

REMARKS

Reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. 112, second paragraph, are respectfully requested.

The Examiner will note that claim 11 has been amended to make it clear that the common covering 26 is dividable parallel to the extension of the swivel arms. The expression "the course" has been deleted from the claim.

Reconsideration and withdrawal of the rejection of claims 1, 3 to 5 and 8 to 10 under 35 U.S.C. 103(a) as being unpatentable over Schutt et al in view of either Roth et al '970 or Roth '560 are also respectfully requested.

Applicant respectfully points out that, while it is true that the reference to Schutt et al shows a rear roof part 4 which can be lowered independently of a front roof part 3, only a single front roof part 3 is provided. The reference does not show a plurality of front roof parts which are nested into one another in the closed position.

When the front lever 21 is moved up, as shown in the transition from Fig. 3 to Fig. 4, the rear roof part 4 of the reference to Schutt et al is raised with its front edge above the height level which it assumes when the roof is closed, so that an increased wind attack surface area is produced by the roof. Consequently, the reference does not meet the object of the present application which is to make it possible to lower the rear roof part even during relatively high travel speeds.

However, it is respectfully submitted that the reference to Schutt et al does not disclose or suggest the present invention as claimed because even if the reference to Schutt et al is combined with one of the Roth references, this means only that the individual front roof part 3 of the reference to Schutt et al would be replaced by two individual roof parts 9, 10 which are located one behind the other when the roof is closed. However, as shown in Roth '560 in Fig. 3 thereof, the trajectories shown in this figure show that the roof parts are nested into each other in such a way that they protrude during this phase high above the vehicle and exhibit a large wind attach surface area. Consequently, the opening and nesting movements of these front roof parts are not separate from each

other but rather are taking place in parallel.

In accordance with the present invention, on the other hand, the two front parts can be completely nested into each other when the roof is initially opened, and only then the lowering of the roof parts begins by lowering them as a joint package, as illustrated in Fig. 4 of the application. In other words, during the phase of overlapping of the front roof parts of the invention, the roof parts still have their horizontal position and do not produce an increased wind attack surface area. Consequently, this nesting of the roof parts can be compared to a pure opening of a sliding roof and can take place during a relatively high travel speed. This is in contrast to a combination of the references to Schutt and Roth where in any event the opening of the then two front roof parts could only take place during the stand still of the vehicle. None of the references shows an intermediate position, as it is shown in Fig. 4 of the present application, and cannot be made possible by the configuration shown in Fig. 4 of the present application.

Accordingly, in view of the changes made to the claims, it is submitted that this application is now in condition for allowance.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on July 24, 2009.

By: FK  
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Date: July 24, 2009